

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK SHAW : CIVIL ACTION
: :
v. : No. 08-5767
: :
JOHN KERESTES, et al., : :

ORDER

AND NOW, on this 17th day of August, 2010, after considering Petitioner Derrick Shaw's Petition for Writ of Habeas Corpus, the Response thereto, and United States Magistrate Judge Arnold C. Rapoport's Report and Recommendation, and there being no timely objections by Petitioner Derrick Shaw to the Report and Recommendation, it is ORDERED:

1. The Recommendation is approved and adopted.
2. The Petition for Writ of Habeas Corpus is DISMISSED with prejudice.
3. There are no grounds to issue a certificate of appealability because the Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).
4. The Clerk of Court shall mark the case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.